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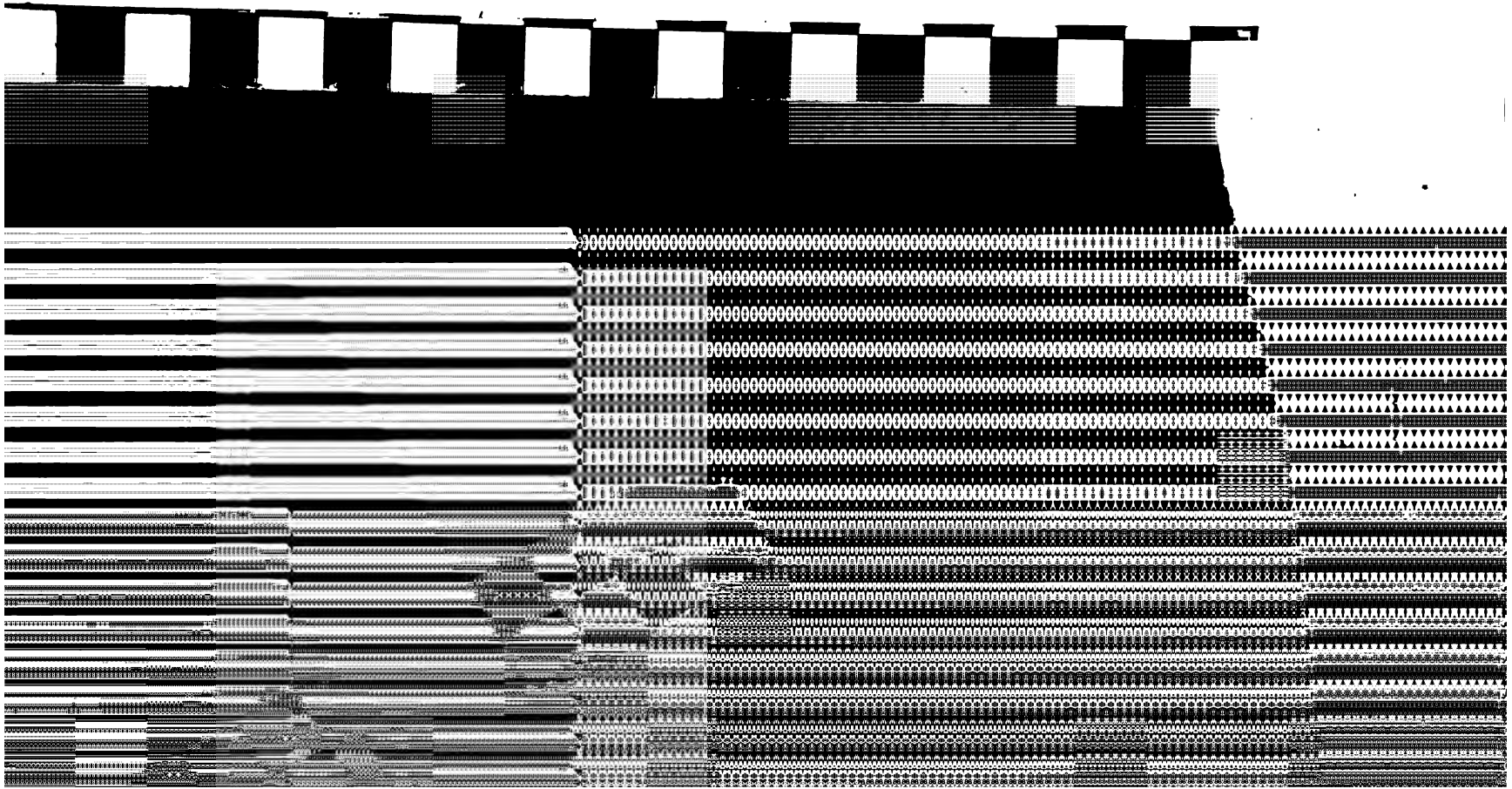

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WEIGHTS AND MEASURES FOR FLOUR-MILL AND CORN-MILL PRODUCTS, ETC.

AUG 30 1921

HEARINGS

BEFORE

THE COMMITTEE ON COINAGE, WEIGHTS, AND MEASURES

HOUSE OF REPRESENTATIVES

P120-65

SIXTY-SEVENTH CONGRESS

FIRST SESSION

ON

H. R. 4901

A BILL TO ESTABLISH THE STANDARD OF WEIGHTS AND MEASURES FOR THE FOLLOWING WHEAT-MILL AND CORN-MILL PRODUCTS, NAMELY, FLOURS, HOMINY, GRITS, AND MEALS, AND ALL COMMERCIAL FEEDING STUFFS, AND FOR OTHER PURPOSES

FRIDAY, MAY 20, 1921

PART 2

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COMMITTEE ON COINAGE, WEIGHTS, AND MEASURES.

HOUSE OF REPRESENTATIVES.

SIXTY-SEVENTH CONGRESS.

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WEIGHTS AND MEASURES FOR FLOUR-MILL AND CORN-MILL PRODUCTS, ETC.

COMMITTEE ON COINAGE, WEIGHTS, AND MEASURES,
HOUSE OF REPRESENTATIVES,
Friday, May 20, 1921.

The committee met at 10.30 o'clock a. m., Hon. Albert H. Vestal (chairman) presiding.

The CHAIRMAN. Gentlemen, if there is no objection, we will proceed in the absence of a quorum. The committee was called together this morning for the purpose of hearing more testimony on H. R. 4901, relative to the inclusion of the 140-pound sack of flour, and also as to the 60, 70, and 80 pound sacks for commercial feeding stuffs.

Mr. Holbrook, of the Bureau of Standards, is present, and we will hear from him now on this bill in all its particulars, and especially as to these things I have mentioned.

STATEMENT OF MR. S. F. HOLBROOK, BUREAU OF STANDARDS, WASHINGTON, D. C.

Mr. HOLBROOK. In relation to the 60, 70, and 80 pound bags for commercial feeding stuffs only, I may say that in the original draft of this bill those odd-sized packages were not included, and it was the intention that commercial feeding stuffs be sold, the same as flour, in the 50 and 100 pound sacks only, without any intermediate sacks.

After the bill had been introduced, however, the secretary of the National Millers' Association, Mr. Husband, appeared before the committee and stated that there was a commercial practice out West in the Pacific Coast States which he did not think was being given proper consideration. He stated that in the Pacific Coast States it was a very common practice, or perhaps the universal practice, to ship wheat to the mills in bags containing 100 pounds each. He said that in the interest of conservation it was very necessary that an opportunity be given the millers to dispose of these bags in which the wheat was shipped. Commercial feeding stuffs, which are the by-products of milling, are lighter than the wheat, and it was impossible to put in the 100-pound wheat sack 100 pounds of the commercial feeding stuffs. Therefore, at that time it was advocated that 60, 70, 80, and 90 pound bags be allowable for the sale of commercial feeding stuffs. These four sizes were still 10-pound units, divisible by 10, and he thought they went into the bill logically, and he urged that feeding stuffs of various weights could therefore be taken care of.

The Bureau of Standards always maintained a rather neutral ground, and thought that in the consideration of the matter it was up

to the committee to decide whether or not the conservation feature was important enough to get away from the underlying principle of the bill, which is amplified by the 50 and 100 pound flour sacks. The committee came to the conclusion that the 90-pound sacks should be eliminated, inasmuch as they assimilated the 100-pound sack too closely, and that the 90-pound sacks might be sold under a misunderstanding that they were 100-pound sacks. The committee apparently believed that the 80-pound sack would not be amenable to that objection.

Now, the attitude of the bureau is that they consider that those sizes are somewhat inconsistent in a bill of this character, but that if the committee decides that the conservation feature is so important as to allow them, the Bureau of Standards does not care to voice any particular objection to their inclusion.

In relation to the 140-pound sack of flour, we are advised that that is a very common sack in the export trade, probably the best-known sack which is shipped abroad. Under the bill, as written, the 140-pound sack might still go into the foreign trade, since there is a proviso there which allows the shipment in foreign trade of any size which the foreign purchaser demands. It appears also that it is a common sack sold to the bakers in this country. The Bureau of Standards certainly believes that the 140-pound sack is inconsistent with the bill as it is drawn. The bill is called a decimal weight bill, and is based on the 100-pound sack, the 200-pound barrel, and the regular subdivisions of the 100-pound sack, and as far as I am able to note, the 140-pound sack does not fit into that system.

I will make the additional observation, however, that I do not believe that the 140-pound sack is a fraudulent size. I do not believe it would ever be sold fraudulently; it would not be misunderstood. It very seldom goes into the hands of the housewife. It goes, as I understand it, almost entirely into the hands of the bakers who are accustomed to receive flour in 140-pound bags, and when they buy in 140-pound bags, they know exactly what they are getting. Whether it is within the province of the committee in framing this bill to regard that custom of the trade I confess that is entirely for the committee to decide. In my opinion, it is inconsistent, but it would not be a fraudulent package.

No matter in what form the bill is passed, it will undoubtedly be still shipped very largely in the export trade without objection under the bill. There is no prohibition. The domestic use of it, however, is, I take it, the question before the committee, and it is inconsistent, but it is a popular size and probably would not be used fraudulently.

In relation to the general features of the bill, when the bill had been introduced in former Congresses the Bureau of Standards has gone on record as being in favor of the general basic ideas. We think that the change from the 190-pound to the 200-pound barrel of flour is a very good one, and that the intermediate sizes are tremendously better than the sizes at present in use. There is no question that by national standardization the great confusion which is present in the trade at the present time, due to nonuniform standards adopted by the States and the interference with interstate commerce resulting therefrom will be very much improved. The bill improves the industry, and puts the industry on a very much standardized basis,

and we feel that Federal legislation along these lines is necessary, because the States have demonstrated that they are not prepared to act in uniformity on the matter, especially in relation to the packages smaller in sizes than the barrel. The barrel is very well standardized, but the subdivisions are very much unstandardized, if I may use that expression.

I think that is all I have to say in relation to the attitude of the bureau.

The CHAIRMAN. Probably some members of the committee want to ask some questions. Mr. Lampert, have you any question to ask Mr. Holbrook?

Mr. LAMPERT. No.

The CHAIRMAN. Mr. Morgan?

Mr. MORGAN. Yes; your department does not make a real objection to the use and sale of the 140-pound bag to the baker trade, which is now the custom?

Mr. HOLBROOK. The only objection we have is that there is an inconsistency there. If the trade will be very seriously upset the committee may deem it wise to allow that trade custom and that old bag which has been so long in use to remain in use. Viewing the bill from the standpoint of standardization, we consider that the 140-pound bag is inconsistent with the decimal system.

Mr. MORGAN. Well, in that connection in the consideration of the 140-pound bag I might state this, that the domestic sale of the 140-pound bag to the baker trade would permit the accumulation of stocks so that the miller could ship, either for export or the domestic trade, out of his stock without having to carry the two sizes of bags, and, further, his cost of bagging would perhaps be somewhat less by reason of the use of the standard bag and the 140-pound bag for other purposes.

Mr. HOLBROOK. I agree that Mr. Husband in his argument has made a point, and a good point, in that the miller can put up his surplus so that it can be drawn upon either for foreign or domestic use. As far as the slight decrease in the cost of handling flour in the larger-sized sack is concerned, that would be had by the use of the 120-pound sack, which would be consistent with the decimal system, and all the bags would still remain a medium for bagging his surplus for the foreign and domestic trade, if they can not use the 150-pound sack, because that is a sack that is unknown abroad. There is certainly good argument in that statement.

Mr. MORGAN. Again, concerning the different sizes and weights of feeding bags, what per cent of the feed on the Pacific coast is bagged in the 70 and 80 pound bags?

Mr. HOLBROOK. That is a question which I can not answer. I was merely giving a résumé of the arguments which Mr. Husband has advanced for those bags, to refresh the minds of the committee. Certainly in the East the 50 and 100 pound feeding bags are very well known and fairly well standardized. Mr. Husband has mentioned the Pacific coast custom, and I am wholly at a loss to give any percentages as to the use of those odd-sized containers. Perhaps the percentages have been stated in former hearings by Mr. Husband. I can not add anything to those figures.

The CHAIRMAN. Mr. Holbrook, just another question. Under section 4 of this bill, as now drawn, the 140-pound sack, of course, can be sold in the export trade?

Mr. HOLBROOK. Certainly.

The CHAIRMAN. Now, toward the bottom of that section, on page 3 in line 23, after the word "country," it says, "and it becomes necessary to offer these for sale or to sell them for domestic use or consumption, then such export packages may be sold for domestic use or consumption by special contract, if approved by the Secretary of Agriculture."

Mr. HOLBROOK. That is true.

The CHAIRMAN. If the 140-pound sack was not included in this bill, and the millers bagged their surplus flour in 140-pound bags, could they, under this section, go to the Department of Agriculture and by special contract be permitted to sell these 140-pound bags to the bakers in the domestic trade?

Mr. HOLBROOK. That would certainly be permissible.

The CHAIRMAN. Then do you not think there would be so much of that that it would really become almost the custom to use this 140-pound sack, under this bill as it is drawn?

Mr. HOLBROOK. If there was a very large surplus of flour bagged in 140-pound sacks, and for any reason the export trade was not as great as was expected, apparently, if the Secretary of Agriculture were permitted there would be a tremendous number of licenses—I believe this is a licensing system—to put that bag of flour on the market in this country. Of course, it would depend upon the will of the Secretary of Agriculture to a large extent, as to whether it became a common-sized package in this country, or not. It may be that a sufficient outlet would be provided by this means for the disposal of the 140-pound sacks, which could not find an avenue in the export trade.

Mr. LOWREY. I was thinking that perhaps this matter of the 60, 70, and 80 pound bags might be compromised in this way. Near the bottom of the first page of the bill, line 9, it says, "shall be a package containing net avoirdupois weight 100 pounds, or a multiple of 100 pounds, or one of the following fractions thereof: 5, 10, 25, or 50 pounds." If we would allow a 75-pound bag, making it 5, 10, 25, 50, or 75 pounds, it seems to me that ought to meet the demand for the 60, 70, and 80 pound sacks, leaving out the special provision and putting the 75-pound sack in the general provision. Then certainly those men could use that bag for 75 pounds by folding it or cutting it down a little, instead of the 60, 70, and 80 pound bags. What would you think, Mr. Holbrook, about including the 75-pound bag in that provision?

Mr. HOLBROOK. If you are going to put the 75-pound bag in, it seems to me that we might omit the proviso, because, as far as I know, there is no demand whatever for a 75-pound flour sack, and I think it would be unfortunate to make a whole lot of unneeded standards which might at some future time come into use and upset conditions, because there would be too many sizes that were obtainable, but it seems to me that you might add the 75-pound sack by cutting out in line 3, page 2, "60, 70, or 80 pounds," and inserting the 75-pound sack in place of those three other sizes.

Mr. LOWREY. The 75-pound sack would be in line with the 25 and 50 pound sacks, you see.

Mr. HOLBROOK. The 75-pound sack would be somewhat more logical than these three different sizes. Perhaps three sizes are too many there. As I say, originally it was suggested that we put four in, but one of them, the 90-pound bag, was stricken out. I suppose they might argue that that did not give them enough flexibility, but it seems to me that they could probably get 75 pounds in most of the bag, and if a slight amount at the top of the bag were wasted there would be no great loss involved in putting 75 pounds instead of 80 pounds into a sack that would normally hold 80 pounds.

Mr. LOWREY. Mr. Morgan, you have been in the business. What do you think about it?

Mr. MORGAN. That is very much more practical than the present provision for three sizes, and I will tell you why. The changes in sizes are used for sale purposes, and they sell the feed so much per bag, rather than reckoning it on the basis of so much per pound, or 100 pounds, or fraction thereof, and great confusion crept in with these numerous sizes that was unavoidable. What is true of measures is true of weights, and 60, 70, and 80 pound packages permit abuses in the trade, in my opinion.

Mr. HOLBROOK. I might state that, in my opinion, the bill would be improved by striking out 60, 70, and 80, and inserting 75. We always try to get away from a multiplicity of sizes. That is the reason I suggest that that proviso be retained, and that we do not allow a 75-pound bag for all purposes, because I think that size is unnecessary.

Mr. MORGAN. I quite agree with that idea.

The CHAIRMAN. Mr. Reber, have you any questions you want to ask Mr. Holbrook?

Mr. REBER. In regard to the 140-pound bag, outside of the fact that it is not of a decimal nature, there is no objection to that bag, is there? There is no deceit which can be practiced in the use of that bag?

Mr. HOLBROOK. I made the statement, and I repeat it, that I do not think it would ever be used as a fraudulent-sized package.

Mr. REBER. And it is a size that the bakers all want. It is a universal size with the bakers, apparently, from the testimony, and it is a universal size for foreign shipments?

Mr. HOLBROOK. Very nearly universal.

Mr. LOWREY. It is a decimal size in one way, because it is a multiple of 100-weight.

Mr. REBER. It is a decimal in another way, because it is 10 stone.

Mr. LOWREY. Ten English stone.

Mr. HOLBROOK. Let me say in regard to the stone, that the stone is a unit which has never been heard of in this country. The stone was one of the things which fortunately we did not inherit from the old English system at the time of the Revolution. This is the only case, that I know of, in the sale of flour, in which the stone unit has not in any way survived. As a matter of fact, the origin of these 190-pound and 140-pound packages in this country had largely been forgotten, I think, until this bill was under consideration.

The CHAIRMAN. Mr. Briggs, have you any questions?

Mr. BRIGGS. There were some questions that I thought Mr. Morgan wanted to ask Mr. Holbrook last time. I have not been here, of course, during the whole hearing this morning.

Mr. MORGAN. I asked him some questions.

Mr. BRIGGS. Did you satisfy yourself along the line of the necessity for that provision?

Mr. MORGAN. Yes; we were just discussing the changing of the three sizes of the feeding bags.

Mr. BRIGGS. These sizes you were talking about were for the feeding bags?

Mr. MORGAN. Yes.

Mr. BRIGGS. My recollection of the testimony was, as I noticed in the previous hearing at the last session and also on May 6 here, that Mr. Husband indicated that it was the desire on the Pacific coast to have these bags retained—that is, those sizes retained, the 60, 70, and 80 pound—and I presume that possibly one of the considerations prompting the recommendation of those sizes was to secure, if possible, as nearly a general support and approval of the measure as could be obtained. Was not that true, Mr. Chairman?

The CHAIRMAN. I think that is true; yes.

Mr. BRIGGS. Do you know, or does anybody know, whether or not the 75-pound sack would meet their requirements on the coast in that trade substantially as well as these varying sizes of 60, 70, and 80 pounds? It seems to me that the 75-pound sack would certainly be more uniform and economical in handling, and would be better both for the trade and for the dealer.

The CHAIRMAN. Well, it strikes me as being all right. I do not know what these people will say in the West. I have a number of telegrams here that I want to read to the committee on this proposition, to go in the record.

Mr. BRIGGS. I want to ask another question before you do that. With reference to the 140-pound sack, is it your idea, Mr. Holbrook, that the 140-pound sack would be sufficiently taken care of under the provision of section 4 of this act, or do you think the exception in favor of that size of sack ought to be made specifically in the bill with reference both to the domestic as well as the export trade?

Mr. HOLBROOK. Certainly under section 4 the 140-pound sack for export is sufficiently protected.

Mr. BRIGGS. For instance, under this bill can the Department of Agriculture issue a general blanket regulation allowing that sack to be used in the export trade without requiring the shippers to come up for individual permits?

Mr. HOLBROOK. You mean in the baker trade?

Mr. BRIGGS. In the export trade.

The CHAIRMAN. That is already provided for in the export trade.

Mr. BRIGGS. In the baker trade.

The CHAIRMAN. In the baker trade they would have to get the license.

Mr. HOLBROOK. I would rather doubt if an executive department would care to issue a general order on that subject, inasmuch as Congress did not see fit to allow the general use of the package. I imagine the permit would be special in each case.

Mr. BRIGGS. Of course, under the provision here they have to be originally intended for export in order to sell them for domestic consumption.

Mr. HOLBROOK. But if there was a blanket order issued to that effect, and the 140-pound package were sold, the Secretary of Agriculture would have no opportunity to determine for himself whether they had been originally bagged for export or not.

Mr. BRIGGS. I know that, but that might be a request, without requiring them to be originally intended for export. We might say, "originally intended for export, or the baker's trade, or the domestic baker's trade," or something in that form. It does not seem to me, Mr. Chairman, where we are trying to build up a bill, as we are this one, that we should put in a specific provision for a 140-pound sack, if it can be avoided and the same end attained without causing inconvenience of embarrassment to the users of that sack in the trade. Of course, if the Secretary of Agriculture would feel that he would have to act on each individual case, that would be something that I can readily imagine would be distinctly inconvenient and troublesome both to the department and to the trade.

Mr. LOWREY. And a great deal of expense.

Mr. BRIGGS. He would have to have a separate force up there, probably, to handle the matter.

Mr. MORGAN. Mr. Chairman, could not that be covered by an amendment to the proposed bill? It refers here to being sold for domestic use or consumption by special contract. Why not take the "special contract" out; just strike that out, and say "for such uses as should be approved by the Secretary of Agriculture"?

Mr. BRIGGS. You do not think, Mr. Holbrook, that the Secretary of Agriculture would be very much or at all indisposed to make provision for that 140-pound sack, do you, if he had authority to do so, and it was customary to use it in the baker's trade, as it develops in these hearings that it is?

Mr. HOLBROOK. I can hardly speak for the Secretary of Agriculture.

Mr. BRIGGS. You are not in that department at all; you are in the Department of the Interior?

Mr. HOLBROOK. The Department of Commerce.

Mr. BRIGGS. The Bureau of Standards is in the Department of Commerce?

Mr. HOLBROOK. Yes. I would hesitate to speak for the Secretary of Agriculture.

The CHAIRMAN. Mr. Holbrook, what effect would this have, to have section 4 read in the beginning like this:

> That the provisions of this act shall not apply to packages of the following wheat-mill or corn-mill products, namely, flour, hominy, grits, or meals, or any commercial feeding stuffs, when intended for export to any foreign country or for sale to the baking trade?

Mr. HOLBROOK. I am afraid that would look as though you did not care anything about the baking trade. This bill is presumed to protect the bakers by obtaining for them a full-sized sack.

The CHAIRMAN. I just wanted your idea. I do not think it is a proper thing at all.

Mr. HOLBROOK. I think it would be very unfortunate. It would look, in the final analysis, like a discrimination against the bakers, which, of course, we do not have in mind.

The CHAIRMAN. Certainly. My judgment is, Mr. Holbook, that if we should take care of the baking trade here, we ought specifically to mention the 140-pound sack of flour.

Mr. HOLBROOK. It would seem unfortunate, if the 140-pound sack is bound to come into general use, that it is brought into use by an executive department instead of by Congress itself.

Mr. BRIGGS. You do not mean to intimate that it is being brought into general use either by Congress or an executive department? The testimony here seems to indicate that it is already in general use in the trade.

Mr. HOLBROOK. I will say if it is going to be continued in general use.

Mr. BRIGGS. Yes. It is to meet that situation that this legislation is proposed, because I do not think the committee is particularly anxious to provide for something that seems apparently to some extent out of harmony with the bill, except to meet a situation which is one that naturally has to be met to take care of a great part of the trade.

Mr. HOLBROOK. I said—Mr. Briggs, perhaps you were not in the room at the time—that I did not think the 140-pound sack is in any way a fraudulent package, or would ever be sold fraudulently. I think it is very well understood, and that the purchaser of the 140-pound sack of flour would know exactly what he was getting.

The CHAIRMAN. And it is not a sack that goes into the retail trade?

Mr. HOLBROOK. The testimony seems to be, and it is along the line of my own experience, that the 140-pound sack practically never goes to the housewife, if I may express it that way, never goes to the family; it is almost entirely confined to the baking trade.

Mr. LOWREY. How many of us ever saw one go to the family? I have not.

Mr. HOLBROOK. The family would have difficulty in getting it home, in the first place.

Mr. BRIGGS. It strikes me that if this matter is to be mentioned in this bill, if the 140-pound sack is to be mentioned in this bill, it ought to be surrounded in some way with a restriction, so that it will not be the opening or entering wedge for other amendments to be tacked on to the bill to provide for some other kind of a sack, because as soon as you do it they are going to say that the provision is not in harmony with the general bill, and if we made an exception in the law for the bakers, why not make an exception for some one else, and it may be that after those uniform standards are adopted they might find that the 150-pound sack, in any event, or the 200-pound sack might answer just as well, and it would be more in harmony with this bill, it seems to me, than the 140-pound sack.

Mr. LOWREY. There is an allowance for a 100-pound sack or multiple thereof.

Mr. BRIGGS. I know, but, of course, a multiple would be 200. You would not find 150 probably.

Mr. LOWREY. Two hundred was what I was figuring on.

Mr. BRIGGS. But you might put in the 150-pound sack. I do not know whether the trade could accommodate itself to that at first.

Surely it would not make any difference to the people to lift 10 additional pounds in the handling or bagging, and it is very much more in harmony with the purposes of the bill.

The CHAIRMAN. There is no question about that.

Mr. BRIGGS. It is going to be hard, it seems to me, to explain to the satisfaction of all why we should pick out the 140-pound sack in this instance, and except it, without making a provision for the 150-pound sack which is more in harmony with the bill.

Mr. REBER. Mr. Holbrook, can you tell us why the bakers find it necessary or convenient to use the 140-pound sack?

Mr. BRIGGS. Rather than the 150-pound sack.

Mr. HOLBROOK. I can see no necessity for it at all, as far as the baker is concerned. The 150-pound sack, it seems to me, could be just as readily used as the 140-pound sack. As Mr. Briggs said, the 150-pound sack would be very much more nearly consistent with the idea of this bill than the 140-pound sack would be.

Mr. REBER. I think that in Mr. Husband's testimony he mentioned that the bakers based their prices on the proportions of materials used, so much flour, and so much yeast, to make their bread; is not that the case?

Mr. HOLBROOK. The statement was made to that effect, but without being well acquainted with the industry, it does not seem to me that it would be any particular hardship to require them to refigure those things on the basis of the 150-pound sack. The amount of flour, the amount of water, the amount of yeast, and all the ingredients that go into the bread with the 140-pound sack could very readily be computed on the basis of the 150-pound sack.

The CHAIRMAN. Mr. Holbrook, do you not think the least thing that is being considered, the reason the miller is asking for the 140-pound sack is that they may not only bag for the foreign trade but use that same package for the baker's trade?

Mr. HOLBROOK. And have the greatest flexibility.

The CHAIRMAN. That is the reason for the package, is it not; do you not think so, Mr. Morgan?

Mr. MORGAN. That is the crux of the whole thing, in order that they can use their surplus stock that has accumulated, both for shipment to the foreign and domestic trade.

The CHAIRMAN. That is the way I get it.

Mr. HOLBROOK. Of course, the 150-pound sack would not help out at all from that standpoint. The formula, I think, was an added argument which is not particularly valid.

Mr. MORGAN. Mr. Chairman, may I add another thing? The demand from the baker trade is not steady. The sales to the baker trade vary according to conditions, as to prices, etc. They accumulate stocks under certain conditions, and at certain periods, and, as I say, the sales to the baker are not regular, every-day sales, and in view of that it will be difficult for a miller to accumulate a stock of the 140 and 150 pound bags in a manner that will enable him to keep a regular stock. In other words, he might accumulate a stock in 150-pound bags, which might lay on his hands for some time and deteriorate, and he might accumulate, on the other hand, the 140-pound bags because of a lack of the export demand, under certain conditions arising causing a slack demand, and it seems to me, from

the use of the bag and what I know of the trade, that the 140-pound bag is a very practical bag for the miller, and I do not see where there would be any abuse in the sale of it, because of the general sales to the baker trade, or almost wholly to the baker trade.

Mr. LOWREY. Did not Mr. Husband bring this out, that the mill is running and fills its orders that are in hand and that are recent, and then they go on bagging their flour in those 140-pound sacks; and he wanted this 140-pound sack allowed also for the home trade, so that in case they got a stock on hand and did not have a sufficient export trade for it, they can sell it at home, and they sell it almost entirely to the bakers, but it has another outlet in the foreign trade.

Mr. MORGAN. The chairman gave the whole situation in his statement.

Mr. BRIGGS. I do not think there ought to be two provisions, the 140 and the 150 pound sack, because I think they would be distinctly confusing and bring into the matter an evil which we are trying to get rid of.

Mr. MORGAN. Mr. Chairman, could it not be provided for in a practical way by amending section 4, beginning in line 3, after the word, "consumption," by striking out the words, "by special contract, if"——

The CHAIRMAN. That is on page 4?

Mr. MORGAN. That is on page 4, and substitute an amendment as follows, "use or consumption, as may be approved by the Secretary of Agriculture," or whatever language would be most preferable to you?

Mr. HOLBROOK. That will give the Secretary of Agriculture the right to establish any new sizes he desired, which would get away from the principle of the bill further than ever.

Mr. REBER. In other words, it would give the Secretary of Agriculture the right to legislate.

Mr. LAMPERT. I think that if it is necessary for the trade to have a package containing 140 pounds, and it has a place in the bill that we are trying to pass, fixing the standards of measures, we should put it right in the bill. That is the only way to handle it, in my estimation.

Mr. BRIGGS. Mr. Chairman, was any objection raised to this question at the time the bill passed the House before?

The CHAIRMAN. No; there was no question raised as to the 140-pound sack.

Mr. LAMPERT. Mr. Chairman, was the bill passed exactly like this?

The CHAIRMAN. Just as it is here.

Mr. LOWREY. And it was vetoed, or did not pass the Senate?

The CHAIRMAN. It passed the House, but did not pass the Senate.

Mr. LOWREY. Did not the Senate ever take it up?

The CHAIRMAN. They tried to get it up about the 2d of March, before Congress adjourned, before the 4th of March, but they were unable to get a hearing on it.

Mr. BRIGGS. There was too much congestion of business at that time.

The CHAIRMAN. Yes; they waited too long. Senator Reed had charge of the thing over there, but he could not get it up.

Mr. LOWREY. Let me have those telegrams, Mr. Chairman.

(The chairman thereupon read the following telegrams:)

SEATTLE, WASH., *May 18, 1921.*

A. H. VESTAL,
Chairman House Committee on Coinage, Weights, and Measures,
Washington, D. C.:

In reference to decimal weight bill, we understand there is a sentiment favorable to cutting out odd sizes for feeding stuff. As Pacific Northwest millers, we earnestly protest against eliminating 60, 70, and 80 pounds. A large portion of our wheat is received in sacks, for which the farmer is reimbursed, and which sack is used for feeding stuff. This sack will hold 60 pounds bran, 70 and 80 pounds shorts and mill run only. Unless you authorize these weights, there will be a large economic waste for which the farmer will be penalized, with no corresponding advantage to anyone. These weights are included in present and previous bills, and we respectfully urge their retention.

CENTENNIAL MILLING CO.

SEATTLE, WASH., *May 18.*

Hon. A. H. VESTAL,
Chairman House Committee on Coinage, Weights, and Measures,
Washington, D. C.:

We understand the committee is considering the elimination of the 60, 70, and 80 pound feed packages. This will work a great hardship on Pacific ctast millers, as a great percentage of wheat coming to mills arrived sacked, and mills use the empty sacks for sacking feed. These sacks will not hold 100 pounds of feed, and it would be a great waste if the use of these bags are prohibited.

SEATTLE FLOUR MILLS.

SAN FRANCISCO, CALIF., *May 19, 1921.*

Hon. A. H. VESTAL,
Chairman House Committee on Coinage, Weights, and Measures,
Washington, D. C.:

South Pacific Millers' Association, including all wheat flour mills in California, Arizona, and Nevada, respectfully protest against elimination of 60, 70, and 80 pound feed packages from decimal weight bill, for the reason it is absolutely necessary in this territory to include these sizes. Elimination of these packages will increase cost to consumer, and will prove uneconomical to all concerned. For your information practically all barley, wheat, corn, and all other grain in this territory is placed in bags when harvested and not handled in bulk, as in East. Only use for these bags originally containing these grains is for 60, 70, and 80 pound feed packages.

ROBERT MASON, *Secretary.*

PORTLAND, OREG., *May 18, 1921.*

Hon. A. H. VESTAL,
Chairman House Committee on Coinage, Weights, and Measures,
Washington, D. C.:

We earnestly urge 60, 70, and 80 pound packages for mill feed be permitted in bill under consideration. Our wheat moves to mills in sacks, and sacks are later used for mill feed. This gives consumer cheaper seed than if new 100-pound sacks must be used and wheat sacks discarded. This would be an economic waste, which should not be permitted.

OREGON FEED DEALERS AND MANUFACTURERS' ASSOCIATION.
F. L. SHULL, *Secretary.*

PORTLAND, OREG., *May 18, 1921.*

Hon. A. H. VESTAL,
Chairman House Committee on Coinage, Weights, and Measures,
Washington, D. C.:

It is very essential for the best interests of wheat growers and millers to permit feed packages of 60, 70, and 80 pounds. Otherwise used wheat jute

bags will become practically worthless and so much loss to producers in sections where wheat is harvested in bags, which condition is general throughout the Pacific Coast States.

NORTHERN GRAIN & WAREHOUSE CO.

PORTLAND, OREG., *May 19, 1921.*

Hon. A. H. VESTAL,
Chairman House Committee on Coinage, Weights, and Measures,
Washington, D. C.:

We strongly urge the inclusion in the decimal weight bill of permission to pack mill feeds in sacks of even weights of 60, 70, and 80 pounds, for the reason that in the Pacific Northwest fully 80 per cent of the wheat crop is delivered by the farmers to flat warehouses in sacks, which average in weight about 130 pounds. The wheat is shipped to tidewater and various interior mills. in sacks, and these sacks are then used to pack mill feed. They are not large enough to hold 100 pounds of feed, and unless they can be utilized for packing or mill-feed purpose it will result in a great economic loss to the farmer, for as conditions are now and have been for many years past the farmer is allowed a price for these sacks on account of their being usable for mill-feed purposes under present Pacific coast conditions, as the custom here is to pack bran in 60 and 70 pound sacks mill run and shorts in 80-pound sacks, and by utilizing these sacks for this purpose the mills are able to take care of practically all the sacked wheat received from the farmers. We hope your committee will take due cognizance of this condition and make an exception in favor of the Pacific coast.

PORTLAND FLOURING MILLS.

THE DALLES, OREG., *May 20, 1921.*

Hon. A. H. VESTAL,
Chairman House Committee on Coinage, Weights, and Measures,
Washington, D. C.

Referring to decimal weight bill, very important from economic standpoint to millers on Pacific coast that provisions in original bill making exceptions permitting feedstuffs to be packed in 60, 70, and 80 pounds be retained. Eighty-five per cent of our wheat is received in sacks, which we utilize in packing feed. These sacks will only hold 60 pounds of bran, 70 pounds of millrun, and 80 pounds of middlings. If not permitted to use for feed will incur great loss to both millers and farmers and cause a large economic waste. The empty sacks could not be disposed of to good advantage any other way.

WASCO WAREHOUSE MILLING CO.

SEATTLE, WASH., *May 17, 1921.*

Hon. A. H. VESTAL,
Chairman House Committee on Coinage, Weights, and Measures,
Washington, D. C.

North Pacific Millers' Association, representing 95 per cent of flour milling capacity of Washington, Oregon, and northern Idaho, protests against elimination from decimal weight bill of 60, 70, and 80 pound packages for feedstuffs, which were added to bill at urgent request of Pacific coast millers to meet conditions peculiar to this coast, where 70 per cent of wheat is marketed in jute sacks, which are later used as secondhand sacks for packing mill feed. As millers buy wheat in sacks, cost of which is added to wheat price, sacks would be a loss to millers if above packages became illegal, as they could not pack them with 100 pounds or to exceed 80 pounds of mill feed. Proposed change in decimal weight bill would work great hardship and loss to milling industry of Pacific coast.

W. C. TIFFANY, *Secretary.*

SEATTLE, WASH., *May 17, 1921.*

Hon. A. H. VESTAL,
Chairman House Committee on Coinage, Weights, and Measures,
Washington, D. C.

Understand your committee will consider decimal weight bill soon; also, understand there is some opposition to including 60-pound, 70-pound, and

80-pound packages for feed. These weight packages are absolutely essential to safeguard interests of wheat growers, manufacturers, and consumers along Pacific coast States. Practically all our wheat, oats, and barley are sacked at the thresher and marketed in sacks. Country warehouse as well as terminal facilities are largely for sacked and not bulk grain. After grain is sold to the millers there are necessarily many millions of empty sacks. These are now used by flour and feed millers for sacking feed products from said grain, and these wheat sacks will hold 60 pounds of bran, 70 and 80 pounds of shorts and middlings, and from 60 to 80 pounds of rolled and cracked grains. To eliminate these sizes, packages would entail loss of millions of dollars annually and would directly affect farmers, millers, and consumers. Under no circumstances should these weights be eliminated from the bill.

FISHER FLOURING MILLS CO.

Mr. REBER. Mr. Chairman, it would appear by those telegrams that the 100-pound weight bags are just about right for the 60 pounds of bran. If that is the case, if we were to have the 75-pound only, they could not use those bags for bran.

The CHAIRMAN. Yes; they could use them.

Mr. REBER. No; they could not get 75 pounds of bran in them.

Mr. LOWREY. One of those telegrams said that a 100-pound mill sack would hold only 70 pounds of bran, and 80 pounds of something else, and 80 pounds of mill run, or something like that. I do not believe we ought to sacrifice the interests of the trade or the farmer, or the miller, to consistency. I believe we better let it stand as it is—60, 70, and 80.

The CHAIRMAN. Well, there is not any other testimony here relative to these matters. We have, however, a gentleman here from New York who wants to make a statement relative to this bill, and we will hear him at this time.

STATEMENT OF MR. ARTHUR C. SPENCER, REPRESENTING THE NATIONAL WHOLESALE GROCERS' ASSOCIATION, 34 NASSAU STREET, NEW YORK CITY.

Mr. SPENCER. Gentlemen, section 2 of the bill clearly exempts the small packages for flour and other products containing less than five pounds, but section 3 provides "that it shall be unlawful for any person, firm, corporation, or association to pack, or cause to be packed for sale, to ship or offer for shipment, or to sell or offer for sale, the following wheat-mill or corn-mill products, namely, flour, hominy, grits, and meals, or any commercial feeding stuffs which, when in original unbroken package form, shall not be one of the standard measures established in section 2 hereof."

The question in the minds of many wholesale grocers is whether or not, strictly construed, that language would not permit the sale of small packages of flour weighing less than five pounds, and I merely wish to request, Mr. Chairman and gentlemen, that the bill be amended, or I respectfully suggest an amendment on page 2, line 21, after the words, "or any commercial feeding stuffs," that there be inserted a clause reading, "in packages of 5 pounds or over." I think it is the intention of the bill to exempt the small packages of less than five pounds, and if so worded, I think the bill would exempt those small packages that the grocers handle so extensively.

The CHAIRMAN. As I understand, Mr. Spencer, the wholesale grocers are anxious that the wording of the bill shall be such as not to include packages under five pounds?

Mr. SPENCER. Yes; Mr. Chairman.

The CHAIRMAN. You are fearful that the language used in section 3 might not exclude those five-pound packages?

Mr. SPENCER. Yes; Mr. Chairman, it is just a question of the construction of the language.

The CHAIRMAN. I think there is no question but that the intention of the committee in drawing this bill was not to include packages of five pounds or less.

Mr. BRIGGS. I do not think there is any question at all about that.

The CHAIRMAN. So, Mr. Spencer, that will be taken care of, I am sure, when we get to consider this bill.

Mr. LOWREY. There is a very good reason, I think, to make it plain. Mr. Spencer suggested there is a good reason for simplifying that language so as to make it unmistakable.

Mr. BRIGGS. We may find a more appropriate place for the amendment.

The CHAIRMAN. There is no question about what the committee will do. That is the intention of the bill.

Mr. LOWREY. I think this needs a little safeguarding in the second section, to keep it from conflicting with the first.

The CHAIRMAN. Yes.

If the other gentlemen present this morning desire to make any statements we will be glad to hear them now.

STATEMENT OF MR. WILLIAM F. CLUETT, CHIEF DEPUTY INSPECTOR OF WEIGHTS AND MEASURES FOR THE CITY OF CHICAGO.

Mr. CLUETT. I do not know that I have very much to say, gentlemen, in regard to this except to say that in the city of Chicago we are absolutely in favor of standardization of weights and matters of that kind. Of course, I do not represent the State department, but merely the city department. I have been very much taken up with Mr. Holbrook's statement of the case as regards this bill this morning. From my connection with weights and measures work, I think his position is absolutely well taken.

The CHAIRMAN. You really think there is a need for standardization of weights and measures to correct abuses and deception that have crept in and are now being practiced in the different cities all over the United States?

Mr. CLUETT. Absolutely.

STATEMENT OF MR. W. T. WHITE, DIRECTOR OF THE STATE BUREAU OF WEIGHTS AND MEASURES, NEW YORK STATE.

Mr. WHITE. Mr. Chairman and gentlemen, the subject of standardization to-day is really going further than the weights and measures phase of it. I happen to be connected with a department in our State which has to do with marketing, and they are very much concerned at the present time with the standardization of grades as well as the standardization of containers, and we are working in conjunction with all marketing officials all over the United States, with the idea that we will get uniformity of containers as well as

grades. Standardization, to my mind, is bound to come; and it will come. The trade has done much toward securing standardization, and I feel that it is the duty of every public official, in weights and measures work especially, to devote a considerable amount of his attention and energy to help this work along. I am not as familiar with this bill perhaps as I should be, which I am frank to admit, due to the fact that I have interested myself more with State legislation, knowing full well that Mr. Holbrook, of the Bureau of Standards here in Washington, will look after Federal regulation. I thank you.

Mr. HOLBROOK. It seems that if these bags will hold 60 pounds of bran, they will of necessity hold 50 pounds of bran, and they might bag this bran in 50-pound bags, in which case they would waste only one sack in six. They do not have to fill them absolutely full. They could put 50 pounds of bran in these sacks which they have, with only a loss of one sack in six.

Mr. BRIGGS. Of course, there will have to be taken into considera- what was expressed to this committee some time since, that whenever an attempt is made to standardize a thing you are bound to meet with a certain amount of opposition, and the less you have you will get the legislation through that much more readily, and then you can make such necessary improvements in the act as from time to time recommend themselves. In other words, you do not center so much opposition at one time.

Mr. MORGAN. I think that point is well taken. Why could you not take the 50 and 75 pound sacks?

The CHAIRMAN. The 50-pound sack is already allowed.

(Whereupon the committee adjourned to meet again on Friday, June 3, for further consideration of this bill.)

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